

AMENDED IN SENATE MARCH 26, 2001

**SENATE BILL**

**No. 852**

**Introduced by Senator Figueroa**

February 23, 2001

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An act to amend ~~Section~~ *Sections 8008, 8024, 8024.2, 8025, and 8027 of, to amend, repeal, and add Section 8020 of*, and to repeal Section 8006 of, the Business and Professions Code, relating to shorthand reporters.

LEGISLATIVE COUNSEL'S DIGEST

SB 852, as amended, Figueroa. Shorthand reporters.

(1) Existing law sets forth certain requirements for court reporting schools, including program requirements, recordkeeping requirements, and teacher qualification requirements.

This bill would make specified changes and additions to the requirements for court reporting schools. The bill also would require the Court Reporters Board in the Department of Consumer Affairs, to adopt regulations implementing certain requirements by September 1, 2002, ~~and would authorize the board to issue administrative citations and assess fines for violations of its rules and regulations. The bill would provide that revenue from those fines is deposited in the General Fund.~~

(2) Under existing law, the Court Reporters Board is authorized to grant provisional recognition to a new court reporting school, and may withdraw recognition for failure to comply with specified legal requirements. The board is required to conduct necessary inspections and investigations.

This bill would authorize the board to withdraw recognition from a school for failure to comply with any applicable law or regulation. The

bill would also authorize the board to conduct unannounced site visits as part of its inspection duties.

(3) ~~Because~~ *Under existing law, an applicant for a shorthand reporter certificate is required to satisfy certain requirements within the 5-year period immediately preceding the date of his or her application.*

*This bill would, effective January 1, 2004, change this time period to require, instead, that the applicant satisfy these requirements within the 3-year period immediately preceding the date of his or her application. The bill would also authorize the board to impose other disciplinary action in addition to the suspension or revocation of a certificate. The bill would additionally require certificate holders to report to the board any crime that he or she was convicted of committing.*

(4) *Because the bill would add to the existing reporting responsibilities of certificate holders and because a violation of any of the provisions regulating the practice of shorthand reporters is a misdemeanor, this bill would impose a state-mandated local program by creating new crimes.*

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8006 of the Business and Professions  
2 Code is repealed.

3 SEC. 2. *Section 8008 of the Business and Professions Code is*  
4 *amended to read:*

5 8008. The board ~~also~~ has the following powers and duties:

6 (a) To adopt a seal.

7 (b) By affirmative vote of at least three members of the board,  
8 to suspend ~~or~~, revoke, *or impose any other disciplinary action*  
9 *against* a certificate, for any cause specified in this chapter.

10 (c) To charge and collect all fees as provided for in this chapter.

11 (d) To require the renewal of all certificates.

1 (e) To issue subpoenas, to administer oaths, and to take  
2 testimony concerning any matter within the jurisdiction of the  
3 board.

4 (f) To investigate the actions of any licensee, upon receipt of a  
5 verified complaint in writing from any person, for alleged acts or  
6 omissions constituting grounds for disciplinary action under the  
7 chapter.

8 ~~This section shall become operative on July 1, 1999.~~

9 (g) *To administer a fund established from the fees collected*  
10 *pursuant to Section 8031.*

11 SEC. 3. *Section 8020 of the Business and Professions Code is*  
12 *amended to read:*

13 8020. Any person over the age of 18 years, who has not  
14 committed any acts or crimes constituting grounds for *the* denial  
15 of licensure under Sections 480, 8025, and 8025.1, who has a high  
16 school education or its equivalent as determined by the board, and  
17 who has satisfactorily passed an examination under any  
18 regulations that the board may prescribe, shall be entitled to a  
19 certificate and shall be styled and known as a certified shorthand  
20 reporter. No person shall be admitted to the examination without  
21 first presenting satisfactory evidence to the board that within the  
22 five years immediately preceding the date of application for a  
23 certificate, the applicant has obtained one of the following:

24 (a) One year of experience in making verbatim records of  
25 depositions, arbitrations, hearings, or judicial or related  
26 proceedings by means of written symbols or abbreviations in  
27 shorthand or machine shorthand writing and transcribing these  
28 records.

29 (b) A verified certificate of satisfactory completion of a  
30 prescribed course of study in a recognized court reporting school  
31 or *a* certificate from the school ~~evidencing~~ *that evidences an*  
32 equivalent proficiency and ~~of~~ the ability to make a verbatim record  
33 of material dictated in accordance with regulations adopted by the  
34 board contained in Title 16 of the California Code of Regulations.

35 (c) *A certificate from the National Shorthand Court Reporters*  
36 *Association certificate of demonstrating proficiency or certificate*  
37 *of merit in machine shorthand reporting.*

38 (d) A passing grade on the California state hearing reporters  
39 examination.

1 (e) A valid certified shorthand reporters certificate or license to  
2 practice shorthand reporting issued by a state other than California  
3 whose requirements and licensing examination are substantially  
4 the same as those in California.

5 (f) *This section shall remain in effect only until January 1,*  
6 *2004, and as of that date is repealed, unless a later enacted statute,*  
7 *that is enacted before January 1, 2004, deletes or extends that date.*

8 SEC. 4. Section 8020 is added to the Business and Professions  
9 Code, to read:

10 8020. Any person over the age of 18 years, who has not  
11 committed any acts or crimes constituting grounds for the denial  
12 of licensure under Sections 480, 8025, and 8025.1, who has a high  
13 school education or its equivalent as determined by the board, and  
14 who has satisfactorily passed an examination under any  
15 regulations that the board may prescribe, shall be entitled to a  
16 certificate and shall be styled and known as a certified shorthand  
17 reporter. No person shall be admitted to the examination without  
18 first presenting satisfactory evidence to the board that within the  
19 three years immediately preceding the date of application for a  
20 certificate the applicant has obtained one of the following:

21 (a) One year of experience in making verbatim records of  
22 depositions, arbitrations, hearings, or judicial or related  
23 proceedings by means of written symbols or abbreviations in  
24 shorthand or machine shorthand writing and transcribing these  
25 records.

26 (b) A verified certificate of satisfactory completion of a  
27 prescribed course of study in a recognized court reporting school  
28 or a certificate from the school that evidences equivalent  
29 proficiency and the ability to make a verbatim record of material  
30 dictated in accordance with regulations adopted by the board  
31 contained in Title 16 of the California Code of Regulations.

32 (c) A certificate from the National Court Reporters Association  
33 demonstrating proficiency in machine shorthand writing.

34 (d) A passing grade on the California state hearing reporters  
35 examination.

36 (e) A valid certified shorthand reporters certificate or license  
37 to practice shorthand reporting issued by a state other than  
38 California whose requirements and licensing examination are  
39 substantially the same as those in California.

40 (f) *This section shall become operative on January 1, 2004.*

1 SEC. 5. Section 8024 of the Business and Professions Code is  
2 amended to read:

3 8024. All certificates issued under this chapter shall be valid  
4 for a period of one year, except for the initial period of licensure  
5 as prescribed by the board, and shall expire at 12 midnight on the  
6 last day of the month of birth of the licensee unless renewed.

7 To renew an unexpired certificate, the certificate holder shall,  
8 on or before each of the dates on which it would otherwise expire,  
9 do all of the following:

10 (a) Apply for renewal on a form prescribed by the board.

11 (b) Pay the renewal fee prescribed by this chapter.

12 (c) Notify the board whether he or she has been convicted of  
13 any felony; ~~or any crime misdemeanor if the misdemeanor is~~  
14 substantially related to the functions and duties of a court reporter;  
15 ~~or and whether any disciplinary action taken by any regulatory or~~  
16 licensing board in this or any other state; ~~was taken against the~~  
17 licensee subsequent to the licensee's last renewal.

18 SEC. 6. Section 8024.2 of the Business and Professions Code  
19 is amended to read:

20 8024.2. (a) Except as otherwise provided in this article, a  
21 certificate ~~which~~ that has expired may be renewed at any time  
22 within the period set forth in Section 8024.5 by doing all of the  
23 following:

24 (1) ~~Apply~~ Applying for renewal on a form prescribed by the  
25 board.

26 (2) ~~Pay~~ Paying the renewal fee prescribed by this chapter.

27 (3) ~~Notify~~ Notifying the board whether ~~he or she~~ the licensee  
28 has been convicted of any felony; ~~or any crime misdemeanor if the~~  
29 misdemeanor is substantially related to the functions and duties of  
30 a court reporter; ~~or and whether any disciplinary action was taken~~  
31 against the licensee by any regulatory or licensing board in this or  
32 any other state, subsequent to the licensee's last renewal.

33 (b) If the certificate is not renewed within 30 days after its  
34 expiration, the certificate holder, as a condition precedent to  
35 renewal, shall also pay the delinquency fee set forth in Section  
36 163.5. Renewal under this section shall be effective on the date on  
37 which the renewal fee is paid, or on the date on which the  
38 delinquency fee, if any, is paid, whichever last occurs. If so  
39 renewed, the certificate shall continue in effect through the date

1 provided in Section 8024 which next occurs after the effective date  
2 of the renewal, when it shall expire if it is not again renewed.

3 The certificate shall not be renewed if the certificate holder has  
4 failed to pay monetary sanctions identified in subdivision (g) of  
5 Section 8025.

6 *SEC. 7. Section 8025 of the Business and Professions Code is*  
7 *amended to read:*

8 8025. A certificate issued under this chapter may be  
9 suspended ~~or~~, revoked, ~~or certification may be denied, or other~~  
10 *disciplinary action may be imposed* for one or more of the  
11 following causes:

12 (a) Conviction of ~~a crime~~ *any felony or any misdemeanor if the*  
13 *misdemeanor is* substantially related to the ~~qualifications,~~  
14 functions, and duties of a ~~certified shorthand~~ court reporter. The  
15 record of conviction, or a certified copy thereof, is conclusive  
16 evidence of the conviction.

17 (b) Failure to notify the board of a conviction described in  
18 subdivision (a), in accordance with Section 8024 or 8024.2.

19 (c) Fraud or misrepresentation resorted to in obtaining a  
20 certificate hereunder.

21 (d) Fraud, dishonesty, corruption, willful violation of duty,  
22 gross negligence or incompetency in practice, or unprofessional  
23 conduct in the practice of shorthand reporting.

24 “Unprofessional conduct” includes, but is not limited to, acts  
25 contrary to professional standards concerning confidentiality;  
26 impartiality; filing and retention of notes; notifications,  
27 availability, delivery, execution and certification of transcripts;  
28 and any provision of law substantially related to the duties of a  
29 certified shorthand reporter.

30 (e) Repeated unexcused failure, whether or not willful, to  
31 transcribe notes of cases pending on appeal and to file the  
32 transcripts of those notes within the time required by law or to  
33 transcribe or file notes of other proceedings within the time  
34 required by law or agreed by contract. Violation of this subdivision  
35 shall also be deemed an act endangering the public health, safety,  
36 or welfare within the meaning of Section 494.

37 (f) Loss or destruction of stenographic notes, whether on paper  
38 or electronic media, ~~which~~ *that* prevents the production of a  
39 transcript due to negligence of the licensee.

(g) Failure to comply with, or to pay a monetary sanction imposed by, any court for failure to provide timely transcripts. The record of the court order, or a certified copy thereof, is conclusive evidence that the sanction was imposed.

(h) *Failure to pay a civil penalty relating to the provision of court reporting services or products.*

(i) *The revocation, suspension, or other disciplinary action of a license to act as a certified shorthand reporter by another state. A certified copy of the revocation, suspension, or disciplinary action by the other state is conclusive evidence of that action.*

(j) Violation of this chapter or the statutes, rules, and regulations pertaining to certified shorthand reporters.

SEC. 8. Section 8027 of the Business and Professions Code is amended to read:

8027. (a) As used in this section, “school” means a court reporter training program or an institution that provides a course of instruction approved by the board, and is approved by the Council for Private Postsecondary and Vocational Education, is a public school in this state, or is accredited by the Western Association of Schools and Colleges.

(b) A court reporting school shall be primarily organized to train students for the practice of shorthand reporting, as defined in Sections 8016 and 8017. Its educational program shall be on the postsecondary or collegiate level, *and shall not be a correspondence program as defined by the board.* It shall be legally organized and authorized to conduct its program under all applicable laws of the state, and shall conform to and offer all components of the minimum prescribed course of study established by the board. Its records shall be kept and shall be maintained in a manner to render them safe from theft, fire, or other loss. The records shall indicate positive daily and clock-hour attendance of each student for all classes, apprenticeship and graduation reports, high school transcripts or equivalent, or self-certification of high school graduation or equivalency, transcript of other education, and student progress to date, including all progress and counseling reports.

(c) Any school intending to offer a program in court reporting shall notify the board within 30 days of the date on which it provides notice to, or seeks approval from, the California Department of Education, the Council for Private Postsecondary



1 and Vocational Education, the Chancellor's Office of the  
2 California Community Colleges, or the Western Association of  
3 Schools and Colleges, whichever is applicable. The board shall  
4 review the proposed curriculum and provide the school tentative  
5 approval, or notice of denial, within 60 days of receipt of the  
6 notice. The school shall apply for provisional recognition pursuant  
7 to subdivision (d) within no more than one year from the date it  
8 begins offering court reporting classes.

9 (d) The board may grant provisional recognition to a new court  
10 reporting school upon satisfactory evidence that it has met all of  
11 the provisions of subdivision (b) and this subdivision. Recognition  
12 may be granted by the board to a provisionally recognized school  
13 after it has been in continuous operation for a period of no less than  
14 three consecutive years from the date provisional recognition was  
15 granted, during which period the school shall provide satisfactory  
16 evidence that at least one person has successfully completed the  
17 entire course of study established by the board and complied with  
18 the provisions of Section 8020, and has been issued a certificate to  
19 practice shorthand reporting as defined in Sections 8016 and 8017.  
20 The board may, for good cause shown, extend the three-year  
21 provisional recognition period for not more than one year. Failure  
22 to meet the provisions and terms of this section shall require the  
23 board to deny recognition. Once granted, recognition may be  
24 withdrawn by the board for failure to comply with all applicable  
25 laws and regulations.

26 (e) Application for recognition of a court reporting school shall  
27 be made upon a form prescribed by the board and shall be  
28 accompanied by all evidence, statements, or documents requested.  
29 Each branch, extension center, or off-campus facility requires  
30 separate application.

31 (f) All recognized and provisionally recognized court reporting  
32 schools shall notify the board of any change in school name,  
33 address, telephone number, responsible court reporting program  
34 manager, owner of private schools, and the effective date thereof,  
35 within 30 days of the change. All of these notifications shall be  
36 made in writing.

37 (g) A school shall notify the board in writing immediately of  
38 the discontinuance or pending discontinuance of its court  
39 reporting program or any of the program's components. Within  
40 two years of the date this notice is sent to the board, the school shall





1 discontinue its court reporting program in its entirety. The board  
2 may, for good cause shown, grant not more than two, one-year  
3 extensions of this period to a school. If a student is to be enrolled  
4 after this notice is sent to the board, a school shall disclose to the  
5 student the fact of the discontinuance or pending discontinuance  
6 of its court reporting program or any of its program components.

7 (h) The board shall maintain a roster of currently recognized  
8 and provisionally recognized court reporting schools including,  
9 but not limited to, the name, address, telephone number, and the  
10 name of the responsible court reporting program manager of each  
11 school.

12 (i) The board shall maintain statistics which display the number  
13 and passing percentage of all first-time examinees, including, but  
14 not limited to, those qualified by each recognized or provisionally  
15 recognized school and those first-time examinees qualified by  
16 other methods as defined in Section 8020.

17 (j) Inspections and investigations shall be conducted by the  
18 board as necessary to carry out this section, including, but not  
19 limited to, unannounced site visits.

20 (k) All recognized and provisionally recognized schools shall  
21 print in their school or course catalog the name, address, and  
22 telephone number of the board. At a minimum, the information  
23 shall be in 8-point bold type and include the following statement:  
24

25 “IN ORDER FOR A PERSON TO QUALIFY FROM A  
26 SCHOOL TO TAKE THE STATE LICENSING  
27 EXAMINATION, THE PERSON SHALL COMPLETE A  
28 PROGRAM AT A RECOGNIZED SCHOOL. FOR  
29 INFORMATION CONCERNING THE MINIMUM  
30 REQUIREMENTS THAT A COURT REPORTING PROGRAM  
31 MUST MEET IN ORDER TO BE RECOGNIZED, CONTACT:  
32 THE COURT REPORTERS BOARD OF CALIFORNIA;  
33 (ADDRESS); (TELEPHONE NUMBER).”  
34

35 (l) Each court reporting school shall file with the board, not  
36 later than June 30 of each year, a current school catalog which  
37 shows all course offerings and staff, and for private schools, the  
38 owner, except that where there have been no changes to the catalog  
39 within the previous year, no catalog need be sent. In addition, each  
40 school shall also file with the board a statement certifying whether

1 the school is in compliance with all statutes and the rules and  
2 regulations of the board, signed by the responsible court reporting  
3 program manager.

4 (m) No school offering court reporting shall make any written  
5 or verbal claims of employment opportunities or potential  
6 earnings unless those claims are based on verified data and reflect  
7 current employment conditions.

8 (n) If a school offers a course of instruction that exceeds the  
9 board's minimum requirements, the school shall disclose orally  
10 and in writing the board's minimum requirements and how the  
11 course of instruction differs from those criteria. The school shall  
12 make this disclosure before a prospective student executes an  
13 agreement obligating that person to pay any money to the school  
14 for the course of instruction.

15 (o) Each school shall provide each prospective student with all  
16 of the following and have the prospective student sign a document  
17 that shall become part of that individual's permanent record,  
18 acknowledging receipt of each item:

19 (1) A student consumer information brochure published by the  
20 board.

21 (2) A list of the school's graduation requirements, including the  
22 ~~number, required points to pass, and type, jury charge, literary, of~~  
23 ~~each test at each machine speed level.~~ *number of tests, the pass*  
24 *point of each test, and the type of test such as jury charge or literary*  
25 *at each machine level.*

26 (3) A list of requirements to qualify for the state certified  
27 shorthand reporter licensing examination, including the number,  
28 ~~required points to pass, and type, jury charge, literary, of each test~~  
29 *of tests, the pass point of each test, and the type of test such as jury*  
30 *charge or literary* at each machine speed level, if different than  
31 those requirements listed in paragraph (2).

32 (4) A copy of the school's board-approved benchmarks for  
33 satisfactory progress as identified in subdivision (u).

34 (5) A report showing the number of students from the school  
35 who qualified for each of the ~~three preceding~~ certified shorthand  
36 reporter licensing examinations *within the preceding two years*,  
37 the number of those students that passed each examination, the  
38 time each student that qualified for the examination was enrolled  
39 in court reporting school, and the placement rate for ~~each student~~  
40 *all students* that passed each examination.

1 (6) On and after January 1, 2005, the school shall also provide  
2 to prospective students the number of hours each currently  
3 enrolled student has attended court reporting classes.

4 (7) The school shall provide to the board, for each student  
5 qualifying through the school as eligible to sit for the state  
6 licensing examination, the number of hours the student attended  
7 court reporting classes, both academic and machine speed classes  
8 including theory.

9 Public schools shall provide the information in paragraphs (1)  
10 to (6), inclusive, to each new student the first day he or she attends  
11 theory or machine speed class, if it was not provided previously.

12 (p) Each enrolled student shall be provided written notification  
13 of any change in qualification or graduation ~~requirement~~  
14 *requirements* that is being implemented due to the requirements of  
15 any one of the school's oversight agencies. This notice shall be  
16 provided to each affected student at least 30 days before the  
17 effective date of the change and shall state the new requirement  
18 and *the name, address, and telephone number of* the agency that  
19 is requiring it of the school. Each student shall initial and date a  
20 document acknowledging receipt of that information and that  
21 document, or a copy thereof, shall be made part of the student's  
22 permanent file.

23 (q) Schools shall make available a comprehensive final  
24 examination in each academic subject to any student desiring to  
25 challenge an academic class in order to obtain credit towards  
26 certification for the state licensing examination. The points  
27 required to pass a challenge examination shall not be higher than  
28 the minimum points required of other students completing the  
29 academic class.

30 (r) An individual serving as a teacher, instructor, or reader shall  
31 meet the qualifications specified by regulation for his or her  
32 position.

33 (s) Each school shall provide a substitute teacher or instructor  
34 for any class for which the teacher or instructor is absent for two  
35 consecutive days.

36 (t) The board has the authority to approve or disapprove  
37 benchmarks for satisfactory progress which each school shall  
38 develop for its court reporting program. Schools shall use only  
39 board-approved benchmarks to comply with the provisions of  
40 paragraph (4) of subdivision (o) and subdivision (u).

1 (u) Each school shall counsel each student a minimum of one  
2 time within each 12-month period to identify the level of  
3 attendance and progress, and the prognosis for completing the  
4 requirements to become eligible to sit for the state licensing  
5 examination. If the student has not progressed in accordance with  
6 the board-approved benchmarks for that school, the student shall  
7 be counseled a minimum of one additional time within that same  
8 12-month period.

9 (v) The pass rate of first-time exam takers for each school  
10 offering court reporting shall meet or exceed the average pass rate  
11 of all first-time test takers for a majority of examinations given for  
12 the preceding three years. Failure to do so shall require the board  
13 to conduct a review of the program. In addition, the board may  
14 place the school on probation and may withdraw recognition if the  
15 school continues to place below the above-described standard on  
16 the two exams that follow the three-year period.

17 ~~(w) In addition to the authority to conduct disciplinary~~  
18 ~~proceedings under this chapter, the board, through its duly~~  
19 ~~authorized representatives, shall have authority to issue~~  
20 ~~administrative citations or assess fines for the violation of any~~  
21 ~~rules and regulations adopted by the board under the provisions of~~  
22 ~~this chapter. Revenue from fines collected pursuant to this section~~  
23 ~~shall be deposited in the General Fund.~~

24 ~~(x)~~

25 (w) The board shall adopt regulations to implement the  
26 requirements of this section not later than September 1, 2002.

27 SEC. 3. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within  
34 the meaning of Section 6 of Article XIII B of the California  
35 Constitution.